IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

DANIELLE BAKSIC, and BRIAN)
BAKSIC,)
Plaintiffs,))
V.) CIVIL ACTION NO. SA-20-CA-920-FB
ETHICON INC., and JOHNSON &))
JOHNSON,))
Defendants.)

ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 107) recommending that Plaintiffs' remaining claims of negligence (Count 1) and loss of consortium (Count IV) be dismissed without prejudice, along with the parties' written objections thereto (docket nos. 108 & 109) and Defendants' response (docket no. 110) to Plaintiffs' objections.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

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The Court has thoroughly analyzed the parties' submissions in light of the entire record. As

required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire

record in this cause and has conducted a de novo review with respect to those matters raised by the

objections. After due consideration, the Court concludes that Defendants' objections have merit such

that Plaintiffs' remaining claims should be dismissed with prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States

Magistrate Judge (docket no. 107) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that any and

all remaining claims asserted against Defendants are DISMISSED WITH PREJUDICE.

IT IS FINALLY ORDERED that motions pending with the Court, if any, are Dismissed as Moot

and this case is CLOSED.

It is so ORDERED.

SIGNED this 30th day of May, 2023.

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UNITED STATES DISTRICT JUDGE

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